

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

UTILITY CONSUMERS' ACTION NETWORK  
(UCAN),

Complainant,

v.

SPRINT TELEPHONY PCS, L.P. (U-3064),  
WIRELESSCO, L.P. doing business as Sprint PCS  
(U-3062),

Defendants.

Case 05-07-021  
(Filed July 22, 2005)

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is July 22, 2006. The proceeding cannot be resolved by that date due to successful settlement negotiations between the parties.

**Background**

Complainant, Utility Consumers' Action Network (UCAN) filed this complaint alleging that defendants were violating California law and Commission regulations in certain charges for text messaging.<sup>1</sup> At the prehearing conference on March 9, 2006, the parties reported to the assigned Administrative Law Judge (ALJ) that they had reached a settlement in principle.

The parties are reducing the settlement terms to writing and expect to file the agreement, with a motion seeking Commission approval, very soon. The time necessary to draft a decision addressing the settlement agreement and motion and circulating it for the required 30-day comment may exceed the statutory deadline of July 22, 2006.

**Need for Extension**

The parties require additional time to finalize and file the settlement agreement, and for the Commission to consider and rule on it. Consequently, the proceeding cannot be completed by July 22, 2006, as required by the statute. Therefore, the Commission must extend the statutory deadline. A three-month extension is reasonable to finalize and rule on the settlement agreement.

The parties shall file and serve the settlement agreement and motion no later than July 28, 2006, unless otherwise scheduled by the assigned ALJ. The extension of time beyond that date is to ensure that the Commission has an adequate period to consider the settlement agreement.

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<sup>1</sup> Along with this complaint, UCAN simultaneously filed a complaint against Cingular Wireless which alleged violations of telecommunications billing law and regulations. Although these proceedings were not consolidated, they were processed in close coordination. This proceeding awaited litigation and resolution of a motion to dismiss in the Cingular proceeding, which the Commission decided in Decision 06-02-012.



**Waiver of Comment Period**

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable Pub. Util. Code § 1701.2(d) statutory deadline for public review and comment is being waived.

**Findings of Fact**

1. This proceeding was initiated on July 22, 2005.
2. Based upon the 12-month statutory deadline, this proceeding must be resolved on or before July 22, 2006, unless this date is extended.
3. The current schedule allows insufficient time to resolve this proceeding before the 12-month statutory deadline runs.
4. This proceeding cannot be completed within the 12-month period due to reopening of the record. Under all the circumstances, a three-month extension is reasonable.
5. No party opposes the extension of the 12-month statutory deadline in this proceeding.

**Conclusion of Law**

The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended, effective immediately, for an additional three months to October 23, 2006.<sup>2</sup>

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<sup>2</sup> October 22, 2006, falls on a Sunday so the extension shall be effective until the following day.

**IT IS ORDERED** that:

1. The parties shall file and serve the settlement agreement and motion no later than July 28, 2006, unless otherwise scheduled by the assigned Administrative Law Judge.
2. The 12-month statutory deadline in this proceeding, July 22, 2006, is extended for an additional three months to October 23, 2006.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.